

Response to First Office Action  
Docket No. 020.0346.US.CON

### REMARKS

Claims 1-15 are pending. Claims 1, 5, 9, 13, 14, and 15 have been amended. Claims 1-15 remain in the application. No new matter has been introduced.

5           Claims 1-15 stand rejected under 35 U.S.C. §101 for double patenting over Claims 1-19 of commonly-assigned U.S. Patent No. 6,478,737 ('737), issued November 12, 2002 to Bardy. Applicant notes that there are 15 claims, not 19 claims, pending. Claims 1, 5, and 9 have been amended to recite analyzing the physiological measures and the quality of life measures stored in the patient care  
10   record *through derived measure determination and statistical value calculation* (emphasis added). Claims 13, 14, and 15 have been amended to recite recurrently evaluating the physiological measures and the quality of life measures from the patient care record *through derived measure determination and statistical value calculation* (emphasis added). Support for these amendments can be found in the  
15   specification on page 19, line 17 through page 20, line 16. Such limitation is not found in the claims of the '737 patent and serves to sufficiently distinguish the invention. Withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

          Claims 1-15 stand rejected under the judicially-created doctrine of  
20   obviousness-type double patenting over Claims 1-23 of commonly-assigned U.S. Patent No. 6,203,495 ('495), issued March 20, 2003 to Bardy, Claims 1-62 of commonly-assigned U.S. Patent No. 6,312,378 ('378), issued November 6, 2001 to Bardy, and Claims 1-15 of commonly-assigned U.S. Patent No. 6,331,160 ('160), issued December 18, 2001 to Bardy. A Terminal Disclaimer is enclosed  
25   disclaiming the terminal part of any patent granted on the instant patent application that would extend beyond the expiration date of the '495, '378, and '160 patents. Withdrawal of the rejection for double-patenting is respectfully requested.

          The prior art made of record and not relied upon has been reviewed by the  
30   applicant and is considered to be no more pertinent than the prior art references

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already applied.

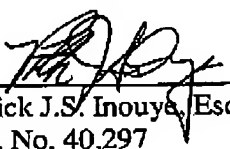
Claims 1-15 are believed to be in condition for allowance. Entry of the foregoing amendments is requested and a Notice of Allowance is earnestly solicited. Please contact the undersigned at (206) 381-3900 regarding any

5 questions or concerns associated with the present matter.

Respectfully submitted,

10 Dated: December 29, 2004

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20 OA Response

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